IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:03CV429-MU

CHRISTOPHER PHELPS &)	
ASSOCIATES, INC.,)		
)	
Plaintiff,)	
)	
VS.)	ORDER
)	
R. WAYNE GALLOWAY,)	
)	
Defendant.)	
)	

This matter is before the court upon the Plaintiff's Motion for Entry of Judgment, Including Relief Under 17 U.S.C. § 502 and § 503(b). Specifically, the Plaintiff requests that the court order the Defendant to deliver up to CPA all copies of the Bridgeford Residence plans in his possession, or certify that all copies have been destroyed. Plaintiff further requests that the court enter a permanent injunction prohibiting Defendant from further infringement, including further construction on the house, by creating any derivatives of CPA's architectural works, or by leasing or selling the house.

After trial in this matter, the jury awarded the Plaintiff \$20,000 in actual damages. The court finds that the Plaintiff has been made whole, and in its discretion, declines to order Defendant to destroy all copies of the plans at issue. Moreover, the court declines to enjoin further construction of the house, alteration of the house, or the future lease or sale of the house. Evidence at trial revealed that the house is substantially constructed and that only interior finish work remains to be done. Thus, there is no likelihood that completion of the house will result in further infringement. Taking into account equitable considerations, the court refuses to grant the relief requested by the Plaintiff. Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's motion is hereby DENIED.

Signed: October 4, 2005

Graham C. Mullen Chief United States District Judge